

# **Exhibit 12**

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## 2000 Detention Operations Manual

ERO

Share These detention standards have been superseded by the 2019 National Detention Standards for Non-Dedicated Facilities.

- 
- When U.S. Immigration and Customs Enforcement was formed, the agency operated its detention system under a set of National Detention Standards (NDS) that had been issued in September 2000. NDS established consistent conditions of confinement, program operations and management expectations within the agency's detention system.
- 
- Click on a heading below to view specific information for each topic.

### Detainee Services

- Access to Legal Material
- Admission and Release
- Correspondence and Other Mail
- Detainee Classification System
- Detainee Grievance Procedures
- Detainee Handbook
- Food Service
- Funds and Personal Property
- Group Presentations on Legal Rights (Revised 2/11/02)
- Issuance and Exchange of Clothing, Bedding and Towels
- Marriage Requests (Revised 2/11/02)
- Non-Medical Emergency Escorted Trips
- Recreation
- Religious Practices
- Staff-Detainee Communication
- Telephone Access
- Visitation
- Voluntary Work Program

### Security and Control

- Contraband
- Detention Files
- Detainee Searches [Reserved]
- Detainee Transfers
- Disciplinary Policy
- Emergency Plans
- Environmental Health and Safety

- Hold Rooms in Detention Facilities
- Key and Lock Control (Security, Accountability, and Maintenance)
- Population Counts
- Post Orders
- Security Inspections
- Special Management Unit (Administrative Segregation)
- Special Management Unit (Disciplinary Segregation)
- Tool Control
- Transportation (Land Transportation)
- Use of Force

## Health Services

- Hunger Strikes
- Medical Care
- Suicide Prevention and Intervention
- Terminal Illness, Advanced Directives and Death  
See ICE Directive 7-9.0 01 Oct 09

## Terminology

- Definitions

Last Reviewed/Updated: 12/16/2019

# INS DETENTION STANDARD

## VOLUNTARY WORK PROGRAM

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### I. POLICY

Every facility with a work program will provide detainees the opportunity to work and earn money. While not legally required to do so, INS affords working detainees basic Occupational Safety and Health Administration (OSHA) protections.

### II. APPLICABILITY

The standards provided in this Detention Standard shall apply to the following facilities housing INS detainees:

1. Service Processing Centers (SPCs);
2. Contract Detention Facilities (CDFs); and
3. State or local government facilities used by INS through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours; referred to as "IGSA facilities."

Within the document additional implementing procedures are identified for SPCs and CDFs. Those procedures appear in italics. IGSA facilities may find such procedures useful as guidelines. IGSAs may adopt, adapt or establish alternatives to, the procedures specified for SPCs/CDFs, provided they meet or exceed the objective represented by each standard.

See the separate "Definitions" Standard for the meaning of certain terms used in this document.

### III. STANDARDS AND PROCEDURES

#### A. Voluntary Work Program

Detainees who are physically and mentally able to work will be provided the opportunity to participate in any voluntary work program.

The detainee's classification level will determine the type of work assignment for which he/she is eligible.

*General work assignments at SPCs/CDFs do not require specific skills. A sample of work assignments and corresponding classification levels follows:*



<i><b>Work Assignment</b></i>	<i><b>Level</b></i>
1. Kitchen worker (either shift)	1-2 (and 3, if screened for violence)
2. Recreation/Library/Barber	1-2 (and 3, if screened for violence)
3. Living area clean-up/janitorial	1-3
4. Area cleaning (inside facility)	1-3
5. Area cleaning (outside facility)	1
6. Evening workers (unit janitorial)	1-2
7. Evening workers (building janitorial)	1-2
8. Processing	1-2
9. Bus detail	1-3
10. Maintenance	1-2
11. Lawn care	1-3
12. Laundry	1-2

**B. Voluntary Work Program Objectives**

Through the voluntary work program:

1. Physically and mentally able detainees are gainfully employed while contributing to the orderly operation of the facility;
2. Essential operations and services improve through the productivity of detainees; and
3. Inactivity-induced idleness and disciplinary-code violations will decline.

**C. Required Work Assignments**

Work assignments are voluntary. However, all detainees are responsible for personal housekeeping.

*In SPCs/CDFs, detainees are required to maintain their immediate living areas in a neat and orderly manner. This involves making their bunk beds daily, stacking loose papers, keeping the floor free of debris and dividers free of clutter, and hanging/draping no articles of clothing, pictures, keepsakes, or other objects from beds, overhead lighting fixtures, or other furniture.*

**D. Voluntary Special Details**

Detainees may volunteer for the temporary work details that occasionally arise. The work, which generally last from several hours to several days, can involve digging trenches, removing topsoil, and other labor-intensive work. Level-3 detainees will not, under any circumstances, work outside the secure outer perimeter. With immediate supervision, lower categories of level-3 detainees may participate in special details.

**E. Detainee Selection**

The OIC shall develop site-specific rules for selecting work detail volunteers.

*In SPCs/CDFs, these general procedures apply:*

- a. Staff will present the detainee's name and A-number to the shift supervisor or the requesting department head.*
- b. The shift supervisor/department head will review the detainee's detention file and/or A-file for classification purpose, scanning documents that might provide relevant information.*
- c. Inquiries to staff members about the detainee's attitude and behavior may affect the supervisor's selection.*
- d. Staff will explain the rules and regulations as well as privileges relating to the detainee worker's status.*

*The primary factors in hiring a detainee as a worker will be his/her classification level and the specific requirements of the job.*

**F. Discrimination in Hiring Detainee Workers**

Volunteering detainees will not be denied work opportunities based on non-merit factors, such as social group, race, religion, sex, physical or mental handicaps, or national origin.

**G. Physically and Mentally Challenged Detainees**

INS maintains custody of physically and mentally challenged detainees whose disabilities range from minor to debilitating. While some of these individuals' medical restrictions will prevent them from working, those with less severe disabilities will have the opportunity to participate in the voluntary work program, in appropriate work projects.

The selecting official must consider the precise limitations of a disabled individual before rejecting certain work assignments. Expediency or convenience will not justify the rejection or pigeonholing of a detainee who, with reasonable accommodation, can perform the essential function of the work involved. In disputed cases, the official will consult medical personnel to ascertain the detainee's assignability with regard to a given project.

**H. Hours of Work**

Detainees participating in the volunteer work program are required to work according to a fixed schedule.

*In SPCs/CDFs, the normal scheduled workday for a detainee employed full-time is a maximum of 8 hours. Detainees who wish to participate in the work program will not be permitted to work in excess of 8 hours daily, 40 hours weekly.*

*Unexcused absences from work or unsatisfactory work performance may result in removal from the voluntary work program*

**I. Work Restrictions**

The OIC may restrict the number of work details permitted a detainee during one day.

*In SPCs/CDFs, a detainee may participate in only one work detail per day. Also, the detainee is required to sign a voluntary work program agreement before every new assignment. Completed agreements will be filed in the detainee's detention file. (Sample agreement attached).*

**J. Facilities That Detain Criminal Aliens**

If the facility cannot establish the classification level in which the detainee belongs, the detainee shall be ineligible for the voluntary work program.

**K. Compensation**

Detainees shall receive monetary compensation for work completed in accordance with the facility's standard policy.

*In SPCs/CDFs, the stipend is \$1.00 per day, to be paid daily.*

**L. Removal of Detainee from Work Detail**

A detainee may be removed from a work detail for cause. Upon removing a detainee from a work detail, the OIC shall place a written justification in the detainee's detention file.

A non-exhaustive list of reasons for removal follows:

1. Unsatisfactory performance.
2. Disruptive behavior, threats to security, etc.
3. Infraction of a facility rule, regulation or policy, leading to removal from a work details as a sanction imposed by the Institutional Disciplinary Panel.
4. Physical inability to perform all functions required by the job, whether because of a lack of strength or a medical condition. Such detainees may be removed from a work detail to prevent future injuries.

**M. Detainee Responsibility**

The OIC will establish procedures for informing detainee volunteers about on-the-job responsibilities and reporting procedures.

*In SPCs/CDFs, the detainee is expected to be ready to report for work at the required time. The detainee may not leave an assignment without permission.*

The detainee will perform all assigned tasks diligently and conscientiously. Removal from the work detail and/or disciplinary action may result when a detainee evades attendance and performance standards in assigned activities, or encourages others to do so.

The detainee will exercise care in performing assigned work, using safety equipment and other precautions in accordance with the work supervisor's instructions. In the event of a work-related injury, the detainee shall notify the work supervisor, who will immediately implement injury-response procedures (see section III. O., below).

**N. Detainee Training and Safety**

All detention facilities shall comply with all applicable health and safety regulations and standards.

The OIC shall ensure that all department heads develop and institutes, in conjunction with the facility's training officer, appropriate training for all detainee workers.

1. *In all SPCs/CDFs the Voluntary Work Program shall operate in compliance with the following:*
  - a. *Occupational Safety and Health Administration (OSHA) regulations set forth in 29 CFR Parts 1910, 1926, and 1960 (current indexes attached);*
  - b. *National Fire Protection Association 101 Life Safety Code (current index attached);*
  - c. *American Correctional Association Standards for Adult Local Detention Facilities (see section IV., below);*
  - d. *INS Environmental Occupational Safety and Health Program Handbook.*
2. Upon the detainee's assignment to a job or detail, the supervisor shall provide thorough instructions regarding safe work methods and, if relevant, hazardous materials. The supervisor shall demonstrate safety features and practices. Workers will learn to recognize hazards in the workplace, to understand the protective devices and clothing provided, and to report deficiencies to their supervisors. INS will not tolerate "lack of knowledge or skill" as an accident's cause. Therefore, the detainee shall undertake no assignment before signing a voluntary work program agreement. Among other things, by signing the agreement the detainee confirms he/she has received and understood training about the assigned job from the supervisor. This agreement will be placed in the detainee's detention file.

3. Medical staff, working with the Public Health Service, will ensure detainees are medically screened and certified before undertaking a food service assignment.
4. The facility will provide detainees with safety equipment that meets OSHA and other standards associated with the task performed.
5. *Each Regional Safety and Health Officer (RSHO) shall be responsible for providing every SPC/CDF in his/her region with complete and current copies of the documents listed in III.N.1., above, including 29 CFR Parts 1910, 1926 and 1960. The OIC shall ensure that the facility operates in compliance with all currently applicable standards.*

**0. Detainee Injury and Reporting Procedures**

The OIC shall implement procedures for immediately and appropriately responding to on-the-job injuries, including immediate notification of INS.

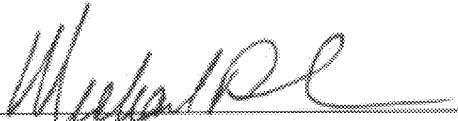
*In SPCs/CDFs, if a detainee is injured while performing his/her work assignment, the following procedures apply:*

1. *The work supervisor will immediately notify the facility medical staff. In the event that the accident occurs in a facility that does not provide 24-hour medical coverage, the supervisor will contact the on-call medical officer for instructions.*
2. *First aid will be administered when necessary.*
3. *Medical staff will determine what treatment is necessary and where that treatment will take place.*
4. *The work supervisor will complete a detainee accident report and submit it to the OIC for review and processing. A copy of this report will be placed in the detainee's A-file.*

**IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED:**


American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:  
3-ALDF-3E-04, 5A-01, 5A-03, 5A-04, 5A-05, 5A-06, 5A-08, 5A-13.

**Approval of Standard**

  
\_\_\_\_\_  
Michael D. Cronin  
Acting Executive Associate Commissioner  
Office of Programs

SEP 20 2000

\_\_\_\_\_  
**Date**

  
\_\_\_\_\_  
Michael A. Pearson  
Executive Associate Commissioner  
Office of Field Operations

SEP 20 2000

\_\_\_\_\_  
**Date**

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## 2008 Operations Manual ICE Performance-Based National Detention Standards

ERO

- Share U.S. Immigration and Customs Enforcement undertook a revision of the National Detention Standards to more clearly delineate the results or outcomes to be accomplished by adherence to their requirements.
- The Performance-Based National Detention Standards (PBNDS 2008), developed in coordination with agency stakeholders, prescribe both the expected outcomes of each detention standard and the expected practices required to achieve them. PBNDS 2008 was also designed to improve safety, security and conditions of confinement for detainees.
  - Click on a heading below to view specific information for each topic.

### Part 1 - Safety

- 1 Emergency Plans (DOC | 227 KB) (PDF | 303 KB)
- 2 Environmental Health and Safety (DOC | 187 KB) (PDF | 254 KB)
- 3 Transportation (By Land) (DOC | 128 KB) (PDF | 180 KB)

### Part 2 - Security

- 4 Admission and Release (DOC | 98 KB) (PDF | 155 KB)
- 5 Classification System (DOC | 145 KB) (PDF | 220 KB)
- 6 Contraband (DOC | 68 KB) (PDF | 82 KB)
- 7 Facility Security and Control (DOC | 101 KB) (PDF | 129 KB)
- 8 Funds and Personal Property (DOC | 121 KB) (PDF | 151 KB)
- 9 Hold Rooms in Detention Facilities (DOC | 81 KB) (PDF | 101 KB)
- 10 Key and Lock Control (DOC | 102 KB) (PDF | 128 KB)
- 11 Population Counts (DOC | 51 KB) (PDF | 60 KB)
- 12 Post Orders (DOC | 61 KB) (PDF | 71 KB)
- 13 Searches of Detainees (DOC | 104 KB) (PDF | 141 KB)
- 14 Sexual Abuse and Assault Prevention and Intervention (DOC | 151 KB) (PDF | 220 KB)
- 15 Special Management Units (DOC | 130 KB) (PDF | 182 KB)
- 16 Staff-Detainee Communication (DOC | 78 KB) (PDF | 94 KB)
- 17 Tool Control (DOC | 111 KB) (PDF | 145 KB)
- 18 Use of Force and Restraints (DOC | 152 KB) (PDF | 197 KB)

### Part 3 - Order

- 19 Disciplinary System (DOC | 137 KB) (PDF | 193 KB)

### Part 4 - Care

- 20 Food Service (DOC | 225 KB) (PDF | 341 KB)
- 21 Hunger Strikes (DOC | 64 KB) (PDF | 73 KB)
- 22 Medical Care (DOC | 247 KB) (PDF | 296 KB)

23 Personal Hygiene (DOC | 69 KB) (PDF | 78 KB)

24 Suicide Prevention and Intervention (DOC | 73 KB) (PDF | 73 KB)

25 Terminal Illness, Advance Directives, and Death (DOC | 114 KB) (PDF | 130 KB)  
See ICE Directive 7-9.0 01 Oct 09

## Part 5 - Activities

26 Correspondence and Other Mail (DOC | 90 KB) (PDF | 107 KB)

27 Escorted Trips for Non-Medical Emergencies (DOC | 62 KB) (PDF | 72 KB)

28 Marriage Requests (DOC | 62 KB) (PDF | 69 KB)

29 Recreation (DOC | 90 KB) (PDF | 105 KB)

30 Religious Practices (DOC | 74 KB) (PDF | 86 KB)

31 Telephone Access (DOC | 97 KB) (PDF | 93 KB)

32 Visitation (DOC | 138 KB) (PDF | 183 KB)

33 Voluntary Work Program (DOC | 81 KB) (PDF | 35 KB)

## Part 6 - Justice

34 Detainee Handbook (DOC | 66 KB) (PDF | 71 KB)

35 Grievance System (DOC | 88 KB) (PDF | 113 KB)

36 Law Libraries and Legal Material (DOC | 133 KB) (PDF | 168 KB)

37 Legal Rights Group Presentations (DOC | 84 KB) (PDF | 101 KB)

## Part 7 - Administration and Management

38 Detention Files (DOC | 77 KB) (PDF | 90 KB)

39 News Media Interviews and Tours (DOC | 60 KB) (PDF | 82 KB)

40 Staff Training (DOC | 94 KB) (PDF | 120 KB)

41 Transfer of Detainees (DOC | 135 KB) (PDF | 185 KB)

42 Definitions (DOC | 81 KB) (PDF | 142 KB)

Last Reviewed/Updated: 12/18/2019



## ICE/DRO DETENTION STANDARD

### VOLUNTARY WORK PROGRAM

**I. PURPOSE AND SCOPE.** This Detention Standard provides detainees opportunities to work and earn money while confined, subject to the number of work opportunities available and within the constraints of safety, security and good order.

While not legally required to do so, ICE/DRO affords working detainees basic Occupational Safety and Health Administration (OSHA) protections.

This Detention Standard applies to the following types of facilities housing DRO detainees:

- Service Processing Centers (SPCs);
- Contract Detention Facilities (CDFs); and
- State or local government facilities used by DRO through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours.

***Procedures in italics are specifically required for SPCs and CDFs.*** IGSAs must conform to these procedures or adopt, adapt or establish alternatives, provided they meet or exceed the intent represented by these procedures.

Some terms used in this document may be defined in the separate **Definitions** Standard.

**II. EXPECTED OUTCOMES.** The expected outcomes of this Detention Standard are:

1. Detainees may have opportunities to work and earn money while confined, subject to the number of work opportunities available and within the constraints of safety, security, and good order.
2. Detainees will be able to volunteer for work assignments but otherwise not be required to work, except to do personal housekeeping.
3. Essential operations and services will be enhanced through productivity from detainees.
4. The negative impact of confinement will be reduced through less idleness, improved morale and fewer disciplinary incidents.
5. Detainee working conditions will comply with all applicable federal, state, and local work safety laws and regulations.
6. There will be no discrimination regarding voluntary work program access based on any detainee's race, religion, national origin, gender, sexual orientation, or disability.
7. The applicable contents and procedures in this Standard will be communicated to the detainee in a language or manner which the detainee can understand.

**III. DIRECTIVES AFFECTED.** This Detention Standard replaces **Voluntary Work Program** dated 9/20/2000.

This Detention Standard incorporates the requirements regarding detainees' being assigned to work outside of a facility's secure perimeter originally communicated via a memorandum to all Field Office Directors from the Acting Director of U.S. Immigration and Customs Enforcement (2/2/2004).

#### **IV. REFERENCES**

American Correctional Association 4th Edition, Standards for Adult Detention Facilities: 4-ALDF-5C-06, 5C-08, 5C-11(M), 6B-02.

Environmental Health and Safety National Detention Standard

Food Service National Detention Standard

#### **V. EXPECTED PRACTICES**

##### **A. Voluntary Work Program**

Detainees who are physically and mentally able to work shall be provided the opportunity to participate in any voluntary work program.

The detainee's classification level shall determine the type of work assignment for which he/she is eligible.

Level 3 detainees shall not be given work opportunities outside their housing units/living areas.

##### **B. Work Outside the Secure Perimeter**

ICE detainees may not work outside the secure perimeter of local jails and facilities used under Intergovernmental Service Agreements.

*In SPCs and CDFs, only detainees classified as Level 1 (or the facility's equivalent "Low" custody designation) may work outside the secure perimeter on facility grounds. They must be directly supervised at a ratio of not less than one staff member to four detainees. The detainees shall be within sight and sound of that staff member at all times.*

##### **C. Personal Housekeeping Required**

Work assignments are voluntary; however, all detainees are responsible for personal housekeeping.

*In SPCs and CDFs, detainees are required to maintain their immediate living areas in a neat and orderly manner by:*

- *Making their bunk beds daily,*
- *Stacking loose papers,*
- *Keeping the floor free of debris and dividers free of clutter, and*

- *Not hanging/draping clothing, pictures, keepsakes, or other objects from beds, overhead lighting fixtures, or other furniture.*

#### **D. Detainee Selection**

The facility administrator shall develop site-specific rules for selecting work detail volunteers. These site-specific rules will be recorded in a facility procedure that will include a voluntary work program agreement. The voluntary work program agreement will document the facility's program and will be in compliance with this Detention Standard.

*In SPCs and CDFs, the primary factors in hiring a detainee as a worker shall be his or her classification level and the specific requirements of the job:*

- *Staff shall present the detainee's name and A-number to the shift supervisor or the requesting department head.*
- *The shift supervisor or department head shall review the detainee's classification and other relevant documents in the detainee's detention file and/or A-file.*
- *The shift supervisor or department head shall assess the detainee's language skills as it affects the detainee's ability to perform the specific requirements of the job under supervision. To the extent possible, work opportunities should be provided to detainees who are able to communicate with supervising staff effectively and in a manner that does not compromise safety and security.*
- *Inquiries to staff about the detainee's attitude and behavior may be used as a factor in the supervisor's selection.*

*Staff shall explain the rules and regulations as well as privileges relating to the detainee worker's status. The detainee is required to sign a **voluntary work program agreement** before every new assignment. Completed agreements shall be filed in the detainee's detention file*

#### **E. Special Details**

Detainees may volunteer for temporary work details that occasionally arise. The work, which generally lasts from several hours to several days, may involve such tasks as digging trenches, removing topsoil and other labor-intensive work.

#### **F. Discrimination in Hiring Prohibited**

Detainees shall not be denied voluntary work opportunities on the basis of such factors as a detainee's race, religion, national origin, gender, sexual orientation or disability.

#### **G. Physically and Mentally Challenged Detainees**

While medical or mental health restrictions may prevent some physically or mentally challenged detainees from working, those with less severe disabilities shall have the opportunity to participate in the voluntary work program in appropriate work assignments.

- The selecting official must consider the precise limitations of a disabled individual before rejecting that individual for selected work assignments.

- Expediency or convenience is insufficient justification to reject or “pigeonhole” a detainee who, with reasonable accommodation, can perform essential functions of the work assignment.
- In disputed cases, the selecting official shall consult medical personnel to ascertain the detainee's suitability for a given project.

#### **H. Hours of Work**

Detainees who participate in the volunteer work program are required to work according to a fixed schedule.

*In SPCs and CDFs, the normal scheduled workday for a detainee employed full time is a maximum of 8 hours. Detainees shall not be permitted to work in excess of 8 hours daily, 40 hours weekly.*

*Unexcused absences from work or unsatisfactory work performance may result in removal from the voluntary work program.*

#### **I. Number of Details in One Day**

The facility administrator may restrict the number of work details permitted a detainee during one day.

*In SPCs and CDFs, a detainee may participate in only one work detail per day.*

#### **J. Facilities That Detain Criminal Aliens**

If the facility cannot establish the classification level in which the detainee belongs, the detainee shall be ineligible for the voluntary work program.

#### **K. Compensation**

Detainees shall receive monetary compensation for work completed in accordance with the facility's standard policy.

*In SPCs and CDFs, the compensation is \$1.00 per day. Ordinarily, it is to be paid daily, unless the facility has a system in place that ensures detainees receive the pay owed them before being transferred or released.*

#### **L. Removal of Detainee from Work Detail**

A detainee may be removed from a work detail for such causes as:

- Unsatisfactory performance;
- Disruptive behavior, threats to security, etc.;
- Physical inability to perform all functions required by the job, whether because of a lack of strength or a medical condition;
- Prevention of injuries to the detainee;
- A removal sanction imposed by the Institutional Disciplinary Panel for an infraction of a facility rule, regulation, or policy.

When a detainee is removed from a work detail, the facility administrator shall place written documentation of the circumstances and reasons in the detainee detention file.

#### **M. Detainee Responsibility**

The facility administrator shall establish procedures for informing detainee volunteers about on-the-job responsibilities and reporting procedures.

*In SPCs and CDFs, the detainee is expected to be ready to report for work at the required time and may not leave an assignment without permission.*

- The detainee shall perform all assigned tasks diligently and conscientiously.
- The detainee may not evade attendance and performance standards in assigned activities or encourage others to do so.
- The detainee shall exercise care in performing assigned work, using safety equipment and taking other precautions in accordance with the work supervisor's instructions.
- In the event of a work-related injury, the detainee shall notify the work supervisor who shall immediately implement injury response procedures.

#### **N. Detainee Training and Safety**

All detention facilities shall comply with all applicable health and safety regulations and standards.

The facility administrator shall ensure that all department heads develop and institute, in collaboration with the facility's safety/training officer, appropriate training for all detainee workers.

1. *In SPCs and CDFs the voluntary work program shall operate in compliance with:*

- *Occupational Safety and Health Administration (OSHA) regulations.*
- *National Fire Protection Association 101 Life Safety Code*
- *American Correctional Association Standards for Adult Local Detention Facilities, current edition*
- *International Council Codes (ICC)*

*Each facility administrator's designee is responsible for providing every SPC and CDF in his or her jurisdiction access to complete and current versions of the documents listed above.*

*The facility administrator shall ensure that the facility operates in compliance with all applicable standards.*

2. Upon a detainee's assignment to a job or detail, the supervisor shall provide thorough instructions regarding safe work methods and, if relevant, hazardous materials including:

- Safety features and practices demonstrated by the supervisor
- Recognition of hazards in the workplace, including the purpose for protective devices and clothing provided, reporting deficiencies to their supervisors. Staff and detainees that do not read English will not be authorized to work

with hazardous materials.

- A detainee shall not undertake any assignment before signing a voluntary work program agreement that, among other things, confirms that the detainee has received and understood training from the supervisor about the work assignment.

The voluntary work program agreement shall be placed in the detainee's detention file.

3. For a food service assignment, medical staff, in conjunction with the Public Health Service, shall ensure that detainees are medically screened and certified before undertaking the assignment.
4. The facility shall provide detainees with safety equipment that meets OSHA and other standards associated with the task performed.
5. *The facility administrator shall ensure that the facility operates in compliance with all applicable standards.*

#### **O. Detainee Injury and Reporting Procedures**

The facility administrator shall implement procedures for immediately and appropriately responding to on-the-job injuries, including immediate notification of ICE/DRO.

*In SPCs and CDFs, if a detainee is injured while performing his or her work assignment:*

1. *The work supervisor shall immediately notify the facility medical staff. In the event that the accident occurs in a facility that does not provide 24-hour medical care, the supervisor shall contact the on-call medical officer for instructions.*
2. *First aid shall be administered when necessary.*
3. *Medical staff shall determine what treatment is necessary and where that treatment shall take place.*
4. *The work supervisor shall complete a detainee accident report and submit it to the facility administrator for review and processing and file it in the detainee's detention file and A-file.*

#### **Standard Approved:**

**James T. Hayes, Jr. /s/**

**12/5/2008**

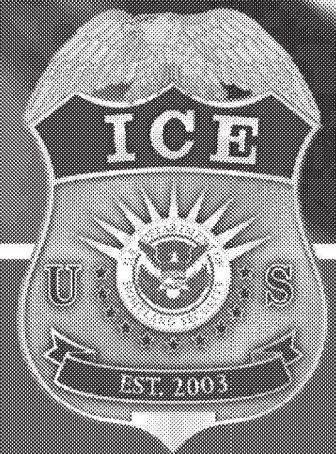
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**James T. Hayes, Jr.**  
**Director**  
**Office of Detention and Removal Operations**

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**Date**





# Performance-Based National Detention Standards 2011



U.S. Immigration  
and Customs  
Enforcement



## Preface

In keeping with our commitment to transform the immigration detention system, U.S. Immigration and Customs Enforcement (ICE) has revised its detention standards. These new standards, known as the Performance-Based National Detention Standards 2011 (PBNDS 2011), are an important step in detention reform.

ICE is charged with removing aliens who lack lawful status in the United States and focuses its resources on removing criminals, recent border entrants, immigration fugitives, and recidivists. Detention is an important and necessary part of immigration enforcement. Because ICE exercises significant authority when it detains people, ICE must do so in the most humane manner possible with a focus on providing sound conditions and care. ICE detains people for no purpose other than to secure their presence both for immigration proceedings and their removal, with a special focus on those who represent a risk to public safety, or for whom detention is mandatory by law.

The PBNDS 2011 reflect ICE's ongoing effort to tailor the conditions of immigration detention to its unique purpose. The PBNDS 2011 are crafted to improve medical and mental health services, increase access to legal services and religious opportunities, improve communication with detainees

with no or limited English proficiency, improve the process for reporting and responding to complaints, and increase recreation and visitation.

The PBNDS 2011 are also drafted to include a range of compliance, from minimal to optimal. As such, these standards can be implemented widely, while also forecasting our new direction and laying the groundwork for future changes.

In closing, I would like to thank the ICE employees and stakeholders who provided significant input and dedicated many hours to revising these standards. I appreciate the collaboration and support in this important mission - reforming the immigration detention system to ensure it comports with our national expectations. The PBNDS 2011 are an important step in a multiyear process and I look forward to continued collaboration within ICE, with state and local governments, nongovernmental organizations, Congress, and all of our stakeholders as we move forward in reforming our detention system.



John Morton  
Director



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## 5.8 Voluntary Work Program

### I. Purpose and Scope

This detention standard provides detainees opportunities to work and earn money while confined, subject to the number of work opportunities available and within the constraints of the safety, security and good order of the facility.

While not legally required to do so, ICE/ERO affords working detainees basic Occupational Safety and Health Administration (OSHA) protections.

This detention standard applies to the following types of facilities housing ERO detainees:

- Service Processing Centers (SPCs);
- Contract Detention Facilities (CDFs); and
- State or local government facilities used by ERO through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours.

*Procedures in italics are specifically required for SPCs, CDFs, and Dedicated IGSA facilities.* Non-dedicated IGSA facilities must conform to these procedures or adopt, adapt or establish alternatives, provided they meet or exceed the intent represented by these procedures.

Various terms used in this standard may be defined in standard “7.5 Definitions.”

### II. Expected Outcomes

The expected outcomes of this detention standard are as follows (specific requirements are defined in “V. Expected Practices”).

1. Detainees may have opportunities to work and earn money while confined, subject to the number of work opportunities available and within the constraints of the safety, security and good order of the facility.
2. Detainees shall be able to volunteer for work assignments but otherwise shall not be required to work, except to do personal housekeeping.
3. Essential operations and services shall be enhanced through detainee productivity.
4. The negative impact of confinement shall be reduced through decreased idleness, improved morale and fewer disciplinary incidents.
5. Detainee working conditions shall comply with all applicable federal, state and local work safety laws and regulations.
6. There shall be no discrimination regarding voluntary work program access based on any detainee’s race, religion, national origin, gender, sexual orientation or disability.
7. The applicable content and procedures in this standard shall be communicated to the detainee in a language or manner the detainee can understand.

All written materials provided to detainees shall generally be translated into Spanish. Where practicable, provisions for written translation shall be



made for other significant segments of the population with limited English proficiency.

Oral interpretation or assistance shall be provided to any detainee who speaks another language in which written material has not been translated or who is illiterate.

### III. Standards Affected

This detention standard replaces “Voluntary Work Program” dated 12/2/2008.

This detention standard incorporates the requirements regarding detainees’ assigned to work outside of a facility’s secure perimeter originally communicated via a memorandum to all Field Office Directors from the Acting Director of U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) (11/2/2004).

### IV. References

American Correctional Association,  
*Performance-based Standards for Adult Local Detention Facilities*, 4th Edition: 4-ALDF-5C-06, 5C-08, 5C-11(M), 6B-02.

ICE/ERO *Performance-based National Detention Standards 2011*:

- “1.2 Environmental Health and Safety”; and
- “4.1 Food Service.”

### V. Expected Practices

#### A. Voluntary Work Program

Detainees who are physically and mentally

able to work shall be provided the opportunity to participate in a voluntary work program. The detainee’s classification level shall determine the type of work assignment for which he/she is eligible. Generally, **high custody detainees shall not be given work opportunities outside their housing units/living areas**. Non-dedicated IGSAAs will have discretion on whether or not they will allow detainees to participate in the voluntary work program.

#### B. Work Outside the Secure Perimeter

ICE detainees may not work outside the secure perimeter of non-dedicated IGSA facilities.

*In SPCs, CDFs, and dedicated IGSAAs, low custody detainees may work outside the secure perimeter on facility grounds. They must be directly supervised at a ratio of no less than one staff member to four detainees. The detainees shall be within sight and sound of that staff member at all times.*

#### C. Personal Housekeeping Required

Work assignments are voluntary; however, all detainees are responsible for personal housekeeping.

*Detainees are required to maintain their immediate living areas in a neat and orderly manner by:*

- 1. making their bunk beds daily;*
- 2. stacking loose papers;*
- 3. keeping the floor free of debris and dividers free of clutter; and*
- 4. refraining from hanging/draping clothing, pictures, keepsakes, or other objects from*

*beds, overhead lighting fixtures or other furniture.*

#### **D. Detainee Selection**

The facility administrator shall develop site-specific rules for selecting work detail volunteers. These site-specific rules shall be recorded in a facility procedure that shall include a voluntary work program agreement. The voluntary work program agreement shall document the facility's program and shall be in compliance with this detention standard.

*The primary factors in hiring a detainee as a worker shall be his/her classification level and the specific requirements of the job.*

- 1. Staff shall present the detainee's name to the shift supervisor or the requesting department head.*
- 2. The shift supervisor or department head shall review the detainee's classification and other relevant documents in the detainee's detention file.*
- 3. The shift supervisor or department head shall assess the detainee's language skills because these skills affect the detainee's ability to perform the specific requirements of the job under supervision. To the extent possible, work opportunities shall be provided to detainees who are able to communicate with supervising staff effectively and in a manner that does not compromise safety and security.*
- 4. Inquiries to staff about the detainee's attitude and behavior may be used as a factor in the supervisor's selection.*

*Staff shall explain the rules and regulations*

*as well as privileges relating to the detainee worker's status. The detainee shall be required to sign a voluntary work program agreement before commencing each new assignment. Completed agreements shall be filed in the detainee's detention file.*

#### **E. Special Details**

Detainees may volunteer for temporary work details that occasionally arise. The work, which generally lasts from several hours to several days, may involve labor-intensive work.

#### **F. Discrimination in Hiring Prohibited**

Detainees shall not be denied voluntary work opportunities on the basis of such factors as a detainee's race, religion, national origin, gender, sexual orientation or disability.

#### **G. Physically and Mentally Challenged Detainees**

While medical or mental health restrictions may prevent some physically or mentally challenged detainees from working, those with less severe disabilities shall have the opportunity to participate in the voluntary work program in appropriate work assignments.

1. The selecting official must consider the precise limitations of a disabled individual before rejecting that individual for selected work assignments.
2. Expediency or convenience is insufficient justification to reject or "pigeonhole" a detainee who, with reasonable accommodation, can perform essential functions of the work assignment.



3. In disputed cases, the selecting official shall consult medical personnel to ascertain the detainee's suitability for a given project.

## H. Hours of Work

Detainees who participate in the volunteer work program are required to work according to a schedule.

The normal scheduled workday for a detainee employed full time is a maximum of 8 hours. Detainees shall not be permitted to work in excess of 8 hours daily, 40 hours weekly.

Unexcused absences from work or unsatisfactory work performance may result in removal from the voluntary work program.

## I. Number of Details in One Day

The facility administrator may restrict the number of work details permitted a detainee during one day.

*In SPCs, CDFs, and dedicated IGSAAs a detainee may participate in only one work detail per day.*

## J. Establishing Detainee Classification Level

If the facility cannot establish the classification level in which the detainee belongs, the detainee shall be ineligible for the voluntary work program.

## K. Compensation

Detainees shall receive monetary compensation for work completed in accordance with the facility's standard

policy.

The compensation is at least \$1.00 (USD) per day. The facility shall have an established system that ensures detainees receive the pay owed them before being transferred or released.

## L. Removal of Detainee from Work Detail

A detainee may be removed from a work detail for such causes as:

1. unsatisfactory performance;
2. disruptive behavior, threats to security, etc.;
3. physical inability to perform the essential elements of the job due to a medical condition or lack of strength;
4. prevention of injuries to the detainee; and/or
5. a removal sanction imposed by the Institutional Disciplinary Panel for an infraction of a facility rule, regulation or policy.

When a detainee is removed from a work detail, the facility administrator shall place written documentation of the circumstances and reasons in the detainee detention file.

Detainees may file a grievance to the local Field Office Director or facility administrator if they believe they were unfairly removed from work, in accordance with standard "6.2 Grievance System."

## M. Detainee Responsibility

The facility administrator shall establish procedures for informing detainee volunteers about on-the-job responsibilities and

reporting procedures.

The detainee is expected to be ready to report for work at the required time and may not leave an assignment without permission.

1. The detainee shall perform all assigned tasks diligently and conscientiously.
2. The detainee may not evade attendance and performance standards in assigned activities nor encourage others to do so.
3. The detainee shall exercise care in performing assigned work, using safety equipment and taking other precautions in accordance with the work supervisor's instructions.
4. In the event of a work-related injury, the detainee shall notify the work supervisor, who shall immediately implement injury-response procedures.

## **N. Detainee Training and Safety**

All detention facilities shall comply with all applicable health and safety regulations and standards.

The facility administrator shall ensure that all department heads, in collaboration with the facility's safety/training officer, develop and institute appropriate training for all detainee workers.

1. The voluntary work program shall operate in compliance with the following codes and regulations:
  - a. Occupational Safety and Health Administration (OSHA) regulations;
  - b. National Fire Protection Association 101 Life Safety Code; and

### **c. International Council Codes (ICC).**

Each facility administrator's designee is responsible for providing access to complete and current versions of the documents listed above.

The facility administrator shall ensure that the facility operates in compliance with all applicable standards.

2. Upon a detainee's assignment to a job or detail, the supervisor shall provide thorough instructions regarding safe work methods and, if relevant, hazardous materials, including:
  - a. safety features and practices demonstrated by the supervisor; and
  - b. recognition of hazards in the workplace, including the purpose for protective devices and clothing provided, reporting deficiencies to their supervisors (staff and detainees who do not read nor understand English shall not be authorized to work with hazardous materials).

A detainee shall not undertake any assignment before signing a voluntary work program agreement that, among other things, confirms that the detainee has received and understood training from the supervisor about the work assignment.

The voluntary work program agreement, which each detainee is required to sign prior to commencing each new assignment, shall be placed in the detainee's detention file.

3. For a food service assignment, medical

staff, in conjunction with the U.S. Public Health Service, shall ensure that detainees are medically screened and certified before undertaking the assignment.

4. The facility shall provide detainees with safety equipment that meets OSHA and other standards associated with the task performed.
5. The facility administrator shall ensure that the facility operates in compliance with all applicable standards.

## **0. Detainee Injury and Reporting Procedures**

The facility administrator shall implement procedures for immediately and appropriately responding to on-the-job injuries, including immediate notification of ICE/ERO.

If a detainee is injured while performing his/her work assignment:

1. The work supervisor shall immediately notify facility medical staff. In the event the accident occurs in a facility that does not provide 24-hour medical care, the supervisor shall contact the on-call medical officer for instructions.
2. First aid shall be administered as necessary.
3. Medical staff shall determine what treatment is necessary and where that treatment shall take place.
4. The work supervisor shall complete a detainee accident report and submit it to the facility administrator for review and processing and file it in the detainee's detention file and A-file.